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IN THE

Supreme Court of the United States

October Term, 1980

No. 80-1674

Consumers Power Company, and the
Pension Plan for Employees of Consumers
Power Company,

Petitioners

vs.

Utility Workers Union of America
AFL-CIO, and its Michigan State Utility
Workers Council, Lewis J. Tinklepaugh,
Clarence J. Segorski, Leo Lingram, Burnell Clough,
Robert Yon, Ray Rogers and Paul de Hate,

Respondents

PETITIONERS' REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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RESPONDENTS' COUNTER-STATEMENT OF THE CASE

Respondents' counter-statement of the case is inaccurate and incomplete, and the Court is respectfully referred for a complete and accurate statement of the case to pages 3-6 of Petitioners' Petition for Writ of Certiorari.

In particular, Respondents have inserted into their Brief facts which have no evidentiary support in the record, purportedly pertaining to the injuries received and worker's disability benefits to which the various respondents have been entitled.

Nowhere in the record of this case is there any testimony or other evidence supporting these alleged facts, and it is submitted that Respondents have gratuitously inserted them in their Brief in an attempt to create prejudice.

Further, while purporting to be in opposition to the Petition, Respondents' Brief is totally devoid of any support for their position. Rather, on page 6 of Respondents' Brief, Respondents agree with Petitioners that "the issue presented by this case is of paramount importance."

DISPOSITION OF THE CASE

Petitioners concur in Respondents' suggestion that this Court hold the Petition in abeyance until the Court issues its decision in Buczynski v General Motors Corp., Docket No. 80-193 and Alessi v Raybestos-Manhattan, Inc., Docket No. 79-1943, as it appears that this

Court's decision in Buczynski and Alessi might be dispositive of the issue in the present case.

Respectfully submitted,

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